§ 28 Regulations affecting interstate commerce

Research References

West's Key Number Digest, Automobiles ⇦5(1)

In the absence of an act of Congress covering the subject, a state may impose upon vehicles using its highways in interstate commerce nondiscriminatory regulations for the purpose of insuring the public safety and convenience, and for the protection and conservation of the use of such highways.[1] Even though a local regulation materially interferes with interstate commerce, great leeway is allowed local authorities where traffic control and the use of highways are involved and where there is no conflicting federal regulation.[2] For example, state legislatures have great leeway in providing safety regulations for all vehicles, interstate as well as local,[3] such measures carrying a strong presumption of validity when challenged in the courts.[4]

If a statute is neutral on its face, has only indirect or incidental effects on interstate commerce, and regulates evenhandedly, the statute will be upheld unless the burden on such commerce is clearly excessive in relation to the putative local benefits.[5] Thus, a state highway safety measure affecting interstate commerce will, absent federal entry into the field, be upheld, unless from the whole record it can be concluded that the total effect of the state law furthers the purpose of safety so marginally and interferes with commerce so substantially that it must be invalid.[6]

Taken into consideration with other factors, the cost involved in complying with state regulations applicable to interstate commerce

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[Section 28]

[1]Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).

[2]Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959); Railway Exp. Agency v. People of State of N.Y., 336 U.S. 106, 69 S. Ct. 463, 93 L. Ed. 533 (1949); State v. Dillon, 670 So. 2d 278 (La. Ct. App. 3d Cir. 1996).

[3]Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).

[4]Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).

[5]Government Suppliers Consolidating Services, Inc. v. Bayh, 975 F.2d 1267 (7th Cir. 1992).

[6]Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959); People v. Strawn, 210 Ill. App. 3d 783, 155 Ill. Dec. 269, 569 N.E.2d 269 (4th Dist. 1991); State v. Dillon, 670 So. 2d 278 (La. Ct. App. 3d Cir. 1996).

may be relevant to the issue of a burden on commerce.[7] However, even though a state which adopts a safety measure requiring a motor carrier design which is out of line with the requirements of almost all other states may sometimes place a great burden of delay and inconvenience on those interstate motor carriers entering or crossing its territory, such a new safety measure may be so compelling that the innovating state need not be the one to give way.[8]

Municipalities retain considerable authority to regulate how motor vehicles engaged in interstate commerce shall be operated over their streets,[9] and may require that such vehicles obey traffic and other general safety regulations.[10]

II. TITLE AND OWNERSHIP; TRANSFERS AND ENCUMBRANCES

A. TITLE

Research References

West's Key Number Digest

Automobiles ⇦20

A.L.R. Library

A.L.R. Index, Automobiles and Highway Traffic; Certificates and Certification

West's A.L.R. Digest, Automobiles ⇦20

Forms

Am. Jur. Legal Forms 2d § 1:20; §§ 33:15 to 33:19, 33:22

§ 29 Generally

Research References

West's Key Number Digest, Automobiles ⇦20

Presumption and prima facie case as to ownership of vehicle causing highway accident, 27 A.L.R.2d 167

Certificates of title or registration of automobiles are indicia of their ownership and control, and, standing alone, raise an inference of legal title in the holder thereof, subject to contradiction of such fact under

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[7]Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).

[8]Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).

[9]City of Chicago v. Atchison, T. & S. F. Ry. Co., 357 U.S. 77, 78 S. Ct. 1063, 2 L. Ed. 2d 1174 (1958); Atchison, T. & S. F. Ry. Co. v. Public Utilities Commission of Cal., 346 U.S. 346, 74 S. Ct. 92, 98 L. Ed. 51 (1953).

[10]City of Chicago v. Atchison, T. & S. F. Ry. Co., 357 U.S. 77, 78 S. Ct. 1063, 2 L. Ed. 2d 1174 (1958).

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